

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Rosemary Espinal	Team: Team # 2	CCRB Case #: 201009113	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 07/05/2010 1:06 AM	Location of Incident: Jamaica Avenue and Highland Place	Precinct: 75	18 Mo. SOL 1/5/2012	EO SOL 1/5/2012	
Date/Time CV Reported Tue, 07/06/2010 9:02 AM	CV Reported At: CCRB	How CV Reported: Call Processing System	Date/Time Received at CCRB Tue, 07/06/2010 9:02 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. INS Jeffrey Maddrey	00000	899501	075 PCT
3. POM Nicholas Dibari	00887	946935	075 PCT
4. LT Elizabeth Morrissey	00000	906874	084 PCT
5. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Gregg Minardi	04986	940475	075 PCT
2. POM Kaz Daughtry	28690	940052	075 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Nicholas Dibari	Force: PO Nicholas Dibari used physical force against § 87(2)(b)	
B.INS Jeffrey Maddrey	Force: Inspector Jeffrey Maddrey used physical force against § 87(2)(b)	
C.LT Elizabeth Morrissey	Force: Lt. Elizabeth Morrissey used physical force against § 87(2)(b)	
D. Officers	Force: Officers used physical force against § 87(2)(b)	
E. An officer	Force: An officer used physical force against § 87(2)(b)	

Case Summary

On July 5, 2010, § 87(2)(b) called the CCRB and filed the following complaint through the Call Processing System. § 87(2)(b) also filed the same complaint through the Internal Affairs Bureau (IAB log # 10-34056).

On July 5, 2010, at approximately 1:06 a.m., § 87(2)(b) sons, § 87(2)(b) and § 87(2)(b) and her nephew, § 87(2)(b) were arrested for § 87(2)(b) at Highland Park in Brooklyn. The following allegations resulted:

- **Allegation A – Force: PO Nicholas Dibari used physical force against** § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation B – Force: Inspector Jeffrey Maddrey used physical force against** § 87(2)(b)
- **Allegation C – Force: Lt. Elizabeth Morrissey used physical force against** § 87(2)(b)
- **Allegation D – Force: Officers used physical force against** § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation E – Force: An officer used physical force against** § 87(2)(b)
§ 87(2)(g)
§ 87(2)(g)

Results of Investigation

Civilian Statement(s)

Complainant: § 87(2)(b)

- § 87(2)(b)
§ 87(2)(b)

CCRB Statement

§ 87(2)(b) was interviewed at the CCRB on July 12, 2010 (encl.5A). On July 5, 2010, § 87(2)(b) and members of her family were celebrating 4th of July at Highland Park, which is located at Jamaica Avenue and Highland Place in Brooklyn. There were approximately fifteen people gathered. At approximately 12:58 a.m., an unmarked police van approached the family and told them that the park was closing at 1:00 a.m. and that they needed to gather their belongings and leave. § 87(2)(b) friend, § 87(2)(b) told Inspector Jeffrey Maddrey, whose name § 87(2)(b) obtained at the 75th Precinct, that it was 12:58 a.m., and they had two minutes left.

Inspector Maddrey exited his vehicle and requested § 87(2)(b)'s identification. § 87(2)(b) asked Inspector Maddrey why he needed § 87(2)(b)'s identification then told § 87(2)(b) that he did not have to provide it. § 87(2)(b) told Inspector Maddrey that he did not have any identification. Inspector Maddrey handcuffed § 87(2)(b) placed him on the hood of his car then called for back up.

Moments later, six uniformed officers responded to the location. § 87(2)(b) was arrested but § 87(2)(b) said that everything happened so quickly that she did not see when he was arrested. § 87(2)(b) nephew, § 87(2)(b) her son, § 87(2)(b) and § 87(2)(b) were also arrested. An officer struck § 87(2)(b) with a baton. § 87(2)(b) could not describe all of the officers but she stated that there were uniformed and plainclothes officers apprehending § 87(2)(b).

An unidentified white male officer, approximately 5'8" tall who was dressed in uniform, pushed § 87(2)(b) and § 87(2)(b) s § 87(2)(b)-old son (name unknown). § 87(2)(b) was injured when an officer kicked her in her leg. § 87(2)(b) injured her wrists when an officer grabbed her arm. § 87(2)(b) was not able to describe any of the officers involved in this incident. She stated that most of the information was relayed to her by § 87(2)(b).

Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on July 12, 2010 (encl.9A-I). § 87(2)(g) § 87(2)(b) was drinking vodka in the park and was intoxicated. When Inspector Maddrey requested § 87(2)(b) s identification, § 87(2)(b) yelled at him, "pussy mother-fuckers" and said he was tired of the police. PO Nicholas Dibari, identified through the Complaint Report, and PO Kaz Daughtry, identified as PO Dibari's partner, escorted § 87(2)(b) to the police vehicle under arrest.

§ 87(2)(b) made an unknown comment to PO Dibari and he punched § 87(2)(b) in the face approximately nine times. PO Dibari walked away clutching his hand. Inspector Maddrey called for back-up because the crowd was getting loud. § 87(2)(b) asked PO Daughtry for PO Dibari's badge number then told him he would not like it if someone punched him in the face. Inspector Maddrey asked § 87(2)(b) if he was threatening PO Daughtry. Inspector Maddrey pushed § 87(2)(b) and § 87(2)(b) pushed his hands away. Inspector Maddrey yelled "assault."

Approximately three officers struck § 87(2)(b) in the back of the head. He was then struck on the leg and in the face. An officer pulled his hair from behind and threw him on the ground. § 87(2)(b) was not able to see any of these officers. An officer rubbed his face on the ground and told him "eat dirt." § 87(2)(b) was handcuffed and transported to the 75th Precinct. He sustained multiple bruises and scratches on his face, leg, and a contusion on his collar bone.

§ 87(2)(b) and § 87(2)(b) were transported to Central Booking. § 87(2)(b) was issued a summons. § 87(2)(b) and § 87(2)(b) went to § 87(2)(b) on § 87(2)(b).

Victim: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on July 21, 2010 (encl.10A-I). § 87(2)(g) § 87(2)(b) was not consuming alcohol during this incident. He and Inspector Maddrey got into a verbal altercation but he did not use obscene language. PO Dibari pushed § 87(2)(b) and he pushed him back. PO Daughtry, PO Dibari and other unidentified officers, grabbed § 87(2)(b) arms and attempted to place them behind his back. § 87(2)(b)

admitted he became aggressive. PO Dibari punched § 87(2)(b) approximately four times in the face. § 87(2)(b) did not bite PO Dibari. As officers placed § 87(2)(b) inside the patrol car, he hit his knee and head against the car. He sustained a bump on his head and a cut on his knee. He also sustained abrasions on his wrists from the handcuffs. § 87(2)(b) did not witness § 87(2)(b) or § 87(2)(b)'s arrest.

At the hospital, § 87(2)(b) was diagnosed with abrasions and contusions. He was prescribed pain medication and released the same day.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on July 26, 2010 (encl.11A-D).

§ 87(2)(g) § 87(2)(b) drank one beer at the park but was not intoxicated. § 87(2)(b) started yelling when PO Daughtry and PO Dibari attempted to handcuff him but he did not use obscene language. § 87(2)(b) did not see when an officer punched § 87(2)(b) in the face.

Witness: § 87(2)(b)

- § 87(2)(b)

CCRB Testimony

§ 87(2)(b) was interviewed at the CCRB on August 4, 2010 (encl.12A-D). § 87(2)(g)

§ 87(2)(b) indicated that § 87(2)(b) was drinking alcohol prior to arriving at the park but he did not seem to be intoxicated. § 87(2)(b) saw PO Dibari punch § 87(2)(b) in the face approximately two times.

§ 87(2)(b) did not witness the events that led to § 87(2)(b) arrest. At the precinct, § 87(2)(b) asked Inspector Maddrey for PO Dibari's name but he said he was in the hospital. Inspector Maddrey said he did not have to provide PO Dibari's name.

Attempts to Contact Civilians

§ 87(2)(b)

On July 30, 2010, the undersigned placed a call to § 87(2)(b) who scheduled an appointment for August 4, 2010. On August 4, 2010, § 87(2)(b) was not present for her scheduled interview and did not call to cancel. On August 6, 2010, the undersigned mailed a missed appointment letter to § 87(2)(b) and the letter was not returned to the CCRB. On August 10, 2010, the undersigned placed a call to § 87(2)(b) and left a message requesting a call back. On August 11, 2010, the undersigned sent an email to § 87(2)(b) and she did not reply back. On August 13, 2010, § 87(2)(b) called and scheduled an appointment for August 25, 2010. On August 25, 2010, § 87(2)(b) was not present for her scheduled appointment and did not call to cancel.

§ 87(2)(b)

On August 10, 2010 and on August 26, 2010, the undersigned mailed two letters to § 87(2)(b) and the letters were not returned to the CCRB. § 87(2)(b)'s phone number was not known at the time. During a statement to the CCRB, § 87(2)(b) provided § 87(2)(b)'s telephone number. On September 1, 2010, the undersigned placed a call to § 87(2)(b) and left a message requesting a call back. On September 16, 2010, § 87(2)(b) called and left a message requesting a call back. Between November 3, 2010 and December 6, 2010, the undersigned placed four calls to § 87(2)(b) and left messages requesting a call back.

NYPD Statement(s):

Subject Officer: INSPECTOR JEFFREY MADDREY

- § 87(2)(b) -old black male, 6'0" tall, 220 lbs., black hair, brown eyes.
- On July 4, 2010, Inspector Maddrey worked from 6:00 p.m. to 2:35 a.m., on July 5, 2010. He was assigned as platoon commander. He worked with Kaz Daughtry and PO Nicholas Dibari. Inspector Maddrey was dressed in uniform and was assigned to an unmarked vehicle.

Memo Book

Inspector Maddrey does not keep memo books.

CCRB Testimony

Inspector Maddrey was interviewed at the CCRB on September 24, 2010 (encl.19A-B). At approximately 1:00 a.m., on July 5, 2010, Inspector Maddrey, PO Dibari and PO Daughtry were on patrol in the vicinity of Jamaica Avenue and Highland Place in Brooklyn. They noticed a group of about forty people inside Highland Park, fully engaged in partying and playing loud music. Most of the individuals in the group were consuming alcohol and were intoxicated. Since they should not have been in the park, Inspector Maddrey asked them to leave.

Inspector Maddrey indicated that everyone in the park was eligible to receive a summons for being in the park after dark, but he decided to be lenient and allow them to leave. One individual, identified through civilian statements as § 87(2)(b) told Inspector Maddrey that it was 12:48 a.m., and not 1:00 a.m. so the park was not officially closed. Inspector Maddrey requested § 87(2)(b)'s identification. § 87(2)(b) who was intoxicated, told the officers, "You niggers got nothing better to do but mess with us." Inspector Maddrey told § 87(2)(b) he was under arrest.

When Inspector Maddrey attempted to place § 87(2)(b) in handcuffs, he started pulling away. § 87(2)(b) and § 87(2)(b) started grabbing and pulling the officers by their shirts. Other individuals in the crowd also attempted to interfere with the arrest, including § 87(2)(b) who started yelling and grabbing the officers' arms and pulling their shirts. They started pushing people back to keep them away. The situation started to get out of control for Inspector Maddrey and his officers, therefore they requested additional units.

Moments later, a total of about twelve officers responded, including Lt. Morrissey, who was dressed in uniform, PO Grieco, who was dressed in plainclothes, and Sgt. Karimzada. Inspector Maddrey did not recall any additional officers. Inspector Maddrey arrested § 87(2)(b). PO Dibari and other officers escorted § 87(2)(b) out of the park. § 87(2)(b) bit PO Dibari's finger but he did not witness it, although he heard the commotion. PO Dibari was rushed to § 87(2)(b) with a crushed finger and a broken nail bed.

§ 87(2)(b) was also arrested for attempting to interfere with the arrests of Philip and § 87(2)(b). Inspector Maddrey told § 87(2)(b) that he was under arrest. Inspector Maddrey grabbed § 87(2)(b) by his wrists to place his arms behind his back. § 87(2)(b) was

pulling his arms away and started struggling. Lt. Morrissey and PO Daughtry assisted Inspector Maddrey in arresting § 87(2)(b). Inspector Maddrey fell to ground as he struggled with § 87(2)(b) who is a tall individual. None of the officers kicked, punched or slammed § 87(2)(b) head on the ground.

§ 87(2)(b) was also arrested because he came back to the crowd and interfered with the arrests. All the arrestees were transported to the stationhouse.

After the incident, § 87(2)(b) and § 87(2)(b) went to the 75th Precinct stationhouse. Inspector Maddrey introduced himself as inspector in charge. He provided his name to § 87(2)(b). § 87(2)(b) requested one of the officers badge numbers. Inspector Maddrey believed that this officer was PO Erik Moreno. PO Moreno provided his name to § 87(2)(b). PO Minardi also provided his name to § 87(2)(b) and § 87(2)(b).

Subject Officer: POLICE OFFICER NICHOLAS DIBARI

- § 87(2)(b) -old white male, 6'1" tall, 205 lbs., black hair, brown eyes.
- PO Dibari worked from 9:30 p.m. on July 4, 2010 to 6:05 a.m. on July 5, 2010. He was assigned to impact overtime and was dressed in uniform. PO Dibari worked with PO Kaz Daughtry. He was assigned to a marked SUV.

Memo Book

PO Dibari had the following entries in his memo book in regard to this incident: At 12:30 a.m., broke a party at the corner of Jamaica Avenue and Highland for unnecessary loud music. Left middle finger was bitten while attempting to place perpetrator in an RMP. Three people were placed under arrest by PO Minardi.

CCRB Testimony

PO Dibari was interviewed at the CCRB on September 16, 2010 (encl.18A-B). § 87(2)(g)

§ 87(2)(b) PO Dibari, PO Daughtry and Inspector Maddrey responded to numerous calls reporting a large crowd at Highland Park. The § 87(2)(b) family had an open flame in the park and did not have a permit for it. § 87(2)(b) who was intoxicated, got up from his chair and defiantly told the officers, "Fuck you, we don't have to do anything." A bag of marijuana fell from § 87(2)(b) when he got up. As the officers were escorting § 87(2)(b) to the police vehicle, he began wrestling around and head-butting. He threw himself on the ground, was moving his body profusely and refusing to get into the police vehicle. § 87(2)(b) bit PO Dibari's middle finger. PO Dibari did not recall punching § 87(2)(b) in the face. § 87(2)(b) was placed in a marked vehicle by other officers and was transported to the 75th Precinct stationhouse. At the hospital, PO Dibari was informed that his finger was fractured. He was out of work for a month and a half. PO Dibari did not have physical contact with any other civilian during this incident. PO Dibari did not witness the arrest of § 87(2)(b).

Subject Officer: POLICE OFFICER KAZ DAUGHTRY

- § 87(2)(b) -old black male, 6'0" tall, 191 lbs., black hair, brown eyes
- PO Daughtry worked from 6:00 p.m. on July 4, 2010 to 2:35 a.m. on July 5, 2010. He worked with Inspector Maddrey and PO Nicholas Dibari. PO Daughtry was assigned as commanding officer operator. He was assigned to an unmarked vehicle and was dressed in uniform.

Memo Book

PO Daughtry did not have any memo book entries for this incident.

CCRB Statement

PO Daughtry was interviewed at the CCRB on December 15, 2010 (encl.22A-B). [REDACTED]

§ 87(2)(g)

There was a bottle of Hennessy and marijuana on the ground. PO Daughtry provided his name and shield number to multiple individuals who requested it. PO Daughtry did not see PO Dibari punch § 87(2)(b) in the face. After § 87(2)(b) bit PO Dibari's hand, PO Daughtry escorted him across the street where an ambulance was waiting for him. PO Daughtry got in the back of the ambulance with PO Dibari and went to the hospital with him. PO Daughtry did not have physical contact with § 87(2)(b) and did not witness his arrest.

Subject Officer: LIEUTENANT ELIZABETH MORRISSEY

- § 87(2)(b) -old white female, 5'2" tall, 200 lbs., blonde hair, green eyes.
- Lt. Morrissey worked from 12:00 a.m. on July 5, 2010 to 8:00 a.m. on July 5, 2010. She was assigned as platoon commander. She worked with Sgt. Jose DesChamps. She was dressed in uniform and was assigned to a marked vehicle.

Memo Book

Lt. Morrissey had the following entries in her memo book in regard to this incident: At 1:06 a.m., Lt. Morrissey responded to the vicinity of Highland Place and Jamaica Avenue in regard to a call for assistance.

CCRB Testimony

Lt. Morrissey was interviewed at the CCRB on October 19, 2010 (encl.20A-B). [REDACTED]

§ 87(2)(g)

When Lt. Morrissey arrived on the scene, she observed officers trying to control a disorderly crowd and she assisted them. She then assisted in the arrest of § 87(2)(b) who was struggling and yelling obscenities. Lt. Morrissey grabbed § 87(2)(b) arms and placed them behind his back to handcuff him. Lt. Morrissey did not punch, kick, or strike § 87(2)(b) with any object. She did not pull his hair or slam his face on the ground.

Witness Officer: POLICE OFFICER GREGG MINARDI

- § 87(2)(b) -old white male, 5'7" tall, 170 lbs., black hair, brown eyes.
- On July 4, 2010, PO Minardi worked from 7:30 p.m. to 4:05 a.m. on July 5, 2010. He was assigned to impact overtime. He worked with PO Grieco. He was dressed in plainclothes and was assigned to an unmarked vehicle.

Memo Book

At 12:30 a.m., PO Minardi and his partner responded to a call for back up at Highland Park, at the corner of Jamaica Avenue and Highland Place. At 1:50 a.m., arrived at the 75th Precinct. At 2:00 a.m., assigned arrest of § 87(2)(b) DOB § 87(2)(b), § 87(2)(b) DOB § 87(2)(b), § 87(2)(b) DOB § 87(2)(b), § 87(2)(b) DOB § 87(2)(b), § 87(2)(b) DOB § 87(2)(b). At 2:50 a.m., § 87(2)(b) was released with a summons for § 87(2)(b).

CCRB Testimony

PO Minardi was interviewed at the CCRB on August 26, 2010 (encl.16A-B). His statement was consistent with the above officers' statements with the following exceptions. PO Minardi and PO Grieco responded to the location as back-up officers. Upon arriving, § 87(2)(b) had already been arrested and placed inside a patrol car. PO Minardi and PO Grieco assisted in controlling the crowd. PO Minardi and PO Grieco did not witness or have involvement in the arrest of § 87(2)(b) and § 87(2)(b).

Officers not interviewed

§ 87(2)(g)

Medical Records (encl. 13A-G, 14A-N)

§ 87(2)(b) and § 87(2)(b) were treated at § 87(2)(b) on § 87(2)(b).

§ 87(2)(b) medical records indicate that he presented abrasions on his wrists, right knee and back. He had a contusion on his extremity (unspecified). § 87(2)(b) complained of pain and was prescribed Motrin. An x-ray of the wrist did not reveal any fracture.

§ 87(2)(b) medical records indicate that he complained of pain for three days on right thigh, right clavicle, and thorax, which he sustained during his arrest. X-rays were performed which confirmed there were no fractures. He was prescribed pain medication.

NYPD Document(s)

SPRINT (encl. 23A)

According to the SPRINT, officers requested additional units to Highland Park and Jamaica Avenue at approximately 12:56 a.m. Sector 75A arrived at the location at 12:56 a.m. A foot post arrived at 12:57 a.m. A patrol sergeant and patrol lieutenant arrived at 12:59 a.m. At 12:59 a.m., an ambulance was requested to the location for an injured police officer. At 1:02 a.m., a lieutenant arrested one individual for disorderly conduct. Anti-crime officers arrived at the location at 1:06 a.m. At 1:15 a.m., § 87(2)(b) called 911 to state that officers were using unnecessary force against her husband while they were arresting him, IAB was notified. A foot post resumed patrol at 1:34 a.m. At 1:56 a.m., anti-crime officers arrested another individual. At 1:56 a.m., the sergeant and lieutenant resumed patrol.

Roll Call (encl. 24A-D, 25A-M)

The 75th Precinct roll call indicated that Lt. Morrissey was assigned to the desk. PO Morrison and PO McGuinness were assigned to sector A. Officers Minardi, Daughtry, Dibari, and Inspector Maddrey did not appear on the roll call as they were assigned to impact overtime.

Command Log (encl. 26A-B)

The command log indicated that § 87(2)(b) was arrested for § 87(2)(b)

and that force was used to effect the arrest. He had scratches on the face.

§ 87(2)(b) was arrested for § 87(2)(b) and force was used to arrest him. His condition was listed as good.

§ 87(2)(b) was arrested for § 87(2)(b) and force was used to effect the arrest. His condition was listed as good.

§ 87(2)(b) was arrested for § 87(2)(b) and force was not used to effect his arrest. His condition was good. He was later released with summonses.

Complaint Report (UF-61) (encl. 27A-B, 28A-B)

According to the UF-61, § 87(2)(b) § 87(2)(b) and § 87(2)(b) were consuming alcohol in the park after dark and were ordered to leave. They refused, began yelling, cursing, and caused a crowd to gather. § 87(2)(b) pulled away and refused to be handcuffed. § 87(2)(b) and § 87(2)(b) stood between officers and other people in the park and pulled away refusing to be handcuffed. As PO Dibari attempted to place § 87(2)(b) in the police vehicle, he bit PO Dibari's middle finger causing a laceration and a broken bone. PO Dibari was removed to § 87(2)(b)

Online Booking Arrest Worksheet (OLBS) (encl. 30A-C, 31A-C)

The OLBS indicated that § 87(2)(b) and § 87(2)(b) were in the park after dark, were intoxicated and refused to leave. They began yelling and cursing, causing a crowd to gather. PO Dibari arrested § 87(2)(b) and he bit PO Dibari's middle finger during the arrest. § 87(2)(b) and § 87(2)(b) stood between officers and other people in the park. They pulled away and refused to be handcuffed. § 87(2)(b) knocked Inspector Maddrey's hand away. There was no physical force used to effect the arrests.

Summons/Arrest for Incident and Disposition

- Case number § 87(2)(b) remains open. The next scheduled court date is § 87(2)(b) in Kings County Criminal Court (encl.36A-B).
- On § 87(2)(b), § 87(2)(b) probation was revoked and a warrant was ordered for his arrest (encl.37A-B).

Status of Civil Proceedings (encl. 38A)

- § 87(2)(b) has not filed a Notice of Claim with the City of New York as of November 5, 2010 with regard to the incident.

Civilian(s) Criminal History

- As of November 5, 2010, Office of Court Administration records reveal no criminal convictions for § 87(2)(b) and § 87(2)(b) (encl. 36A-B, 37A-B)

Civilian(s) CCRB History

- § 87(2)(b)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

Subject Officer(s) CCRB History

- PO Dibari has been a member of the service for two years and there are no substantiated CCRB allegations against him. (encl.3A).
- Lt. Morrissey has been a member of the service for 16 years and there are no substantiated CCRB allegations against her (encl.4A).

- Inspector Maddrey has been a member of the service for 19 years and there are three substantiated CCRB allegations against him (encl.2A-B).
 - In CCRB case # 9501293 allegations of force, abuse of authority and discourtesy were substantiated against Inspector Maddrey. There were no final recommendations issued in the case.

Conclusion

Identification of Subject Officer(s)

§ 87(2)(b) provided Inspector Maddrey's name upon filing her complaint. Inspector Maddrey provided Lt. Morrissey's name during his testimony. PO Dibari's name appeared on the Complaint report. All of these officers confirmed their involvement in this incident.

Allegations not pled

- § 87(2)(b) alleged that § 87(2)(b) sustained an unspecified injury on her wrist. § 87(2)(g)
- § 87(2)(b) alleged that an officer pushed her and § 87(2)(b)'s unknown § 87(2)(b)-old son. § 87(2)(g)
- § 87(2)(b) alleged that when she requested PO Dibari's name and shield number from Inspector Maddrey at the stationhouse, he told her that he did not have to provide that information to her. § 87(2)(g)

Investigative Findings and Recommendations

Allegation A – Force: PO Nicholas Dibari used physical force against § 87(2)(b)

It is undisputed that physical force was used to arrest § 87(2)(b) alleged that PO Dibari punched him in the face four times, an allegation that PO Dibari denied.

Patrol Guide Procedure 203-11 states that upon effecting an arrest, officers may use that amount of force necessary to effect the arrest (encl. 1A).

§ 87(2)(b) and § 87(2)(b) corroborated that § 87(2)(b) consumed alcohol during this incident and was intoxicated. § 87(2)(b) acted defiantly and yelled obscenities at Inspector Maddrey, PO Dibari and PO Daughtry when they ordered the family to leave. He pushed PO Dibari and actively resisted when he was placed under arrest. His family attempted to interfere with his arrest, thereby escalating this incident to a bigger situation requiring additional units.

§ 87(2)(b) acted aggressive and bit PO Dibari's finger, causing him a lacerated finger. PO Dibari was removed to § 87(2)(b) where he was reportedly diagnosed with a crushed finger and a broken nail bed.

§ 87(2)(g)

§ 87(2)(g)

Allegation B – Force: Inspector Jeffrey Maddrey used physical force against § 87(2)(b)

Allegation C – Force: Lt. Elizabeth Morrissey used physical force against § 87(2)(b)

Allegation D – Force: Officers used physical force against § 87(2)(b)

It is not disputed that physical force was used to arrest § 87(2)(b)

Patrol Guide Procedure 203-11 states that upon effecting an arrest, officers may use that amount of force necessary to effect the arrest (encl. 1A).

All of the officers interviewed were consistent in that several individuals in the crowd attempted to interfere with § 87(2)(b) arrest. One of these individuals was § 87(2)(b) reportedly stood between officers and other people in the park and pulled away refusing to be handcuffed and was eventually arrested for obstruction of governmental administration. § 87(2)(b) alleged that officers struck him in the back of the head, kicked his leg and face and pulled him by the hair onto the ground. § 87(2)(b) could not see these officers because they came from behind; therefore the allegation was pleaded to ‘Officers.’ Inspector Maddrey and Lt. Morrissey admitted they were involved in the arrest of § 87(2)(b) and that they used minimal force to subdue him, but that they did not kick or punch him.

§ 87(2)(g)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Allegation E – Force: An officer used physical force against § 87(2)(b)

§ 87(2)(b) alleged that an officer kicked § 87(2)(b) on the leg and she sustained an injury. Multiple attempts were made to obtain a statement from § 87(2)(b) in regard to this allegation but § 87(2)(b) missed two scheduled appointments and did not call to cancel them. To date, § 87(2)(b) has not contacted the CCRB to pursue her complaint. § 87(2)(g)

§ 87(2)(b)

Team: _____

:

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date